IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 965 OF 2006

Dinesh Aganlal Badayuhi ..Applicant.

V/s

The State of Maharashtra
(At the instance of Cuffe
Parade Police Station,
C.R. No.I-321/05) ..Respondent.

Mr. Amin Solkar for the applicant.
Mr. R.Y. Mirza, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 16th March, 2006

P.C.:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant is arrested in connection with C.R. No.I-321/2005 registered at Cuffe Parade Police Station for the offence punishable under section 376 of the Indian Penal Code.

3. It is alleged that the applicant had given shelter to the prosecutrix after she was driven out of the house by her husband. The prosecutrix stayed in the applicant's house and, thereafter, when the wife of the applicant came back from her native place and

asked the prosecutrix to leave, a complaint under section 376 of the Indian Penal Code has been filed by her alleging that the applicant had forcible sexual intercourse with her during the period she had stayed with him.

4. The learned APP states that the charge-sheet is likely to be filed in couple of days. Considering the facts and circumstances of the case, in my view, this is a fit case for grant of bail. The medical evidence does not disclose any sign of injury on the person of the prosecutrix.

5. The applicant be released on bail in the sum of Rs 5000/- with one or two sureties in the like amount. The applicant shall report to Cuffe Parade Police Station once in a month.

6. Application is disposed of accordingly.

V.M. KANADE, J.